



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kenji YOSHIOKA et al.

Serial No. 09/492,288

Filed: January 27, 2000

For: EMERGENCY REPORTING
SYSTEM AND TERMINAL
APPARATUS THEREIN

Art Unit: 2682

Examiner: Nguyen, David Q.

Atty Docket: 0102/0097

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TLR
6/26/03
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RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Technology Center 2600

Sir:

The following is a response to the Office Action dated February 26, 2003 and subsequent to the interview held between the Examiner, Primary Examiner Vuong and the undersigned on June 4, 2003 for which the undersigned expresses his appreciation for the courtesy extended by the examiners during the interview.

As was discussed during the interview, the instant invention has two major aspects, namely: (1) the volume control circuit automatically controls the volume level of sound in a two-way speech communication, and (2) the selecting of a speaker in the audio system of the vehicle in the event that a speaker malfunctions, or just simply the selection of one of the speakers from the audio system for use in an emergency communication.

In rejecting the instant invention, the examiner applied Timm et al. U.S. patent 5,890,061 in combination with Japanese patent publication Takeuchi JP-62-067931 for rejecting claims 1-3, 6, 8, 20 and 22-23 under 35 U.S.C. 103(a). The examiner moreover rejected claim 4 under the combination of Timm and Takeuchi '931 and further in view of

Fujiki et al. U.S. 6,188,891. Claims 5 and 7 were rejected as being obvious over Timm and Takeuchi '931 and further in view of Nevins et al. U.S. patent 5,949,886. Claims 9 and 13 were rejected under 35 U.S.C. 103(a) as being obvious over Timm and Iacono U.S. patent 4,633,229. Claim 10 was rejected as being obvious over Timm and Iacono and further in view of Warnaka et al. U.S. patent 6,356,641. Claim 12 was rejected as being obvious over the combination of Timm, Iacono and further in view of Dawson et al. U.S. patent 4,683,591. Claim 16 was rejected as being obvious over the combination of Timm, Iacono and further in view of Rose U.S. patent 3,678,202. Claims 17 and 21 were rejected as being obvious over Timm in view of Japanese patent publication Okano JP 04276900. Lastly, claim 19 was rejected as being obvious over Timm and Okano, and further in view of Dawson.

In view of the fact that claims 1, 8, 9, 17, 20, 21 and 22 are the independent claims pending in this application, the interview was and the instant response is focused to those claims, and the rejection of those claims with respect to the various combination of references.

The following was discussed in the interview with respect to the rejection of independent claims 1, 8, 20 and 22 under the combination of Timm and Takeuchi '931. Timm et al. U.S. patent 5,890,061 does disclose a microphone, a loudspeaker, and means for allowing hands-free two-way speech communication, insofar as transceiver 22 could operate in either a handset or a hands-free mode. However, as admitted by the examiner, Timm does not disclose any volume control circuit that automatically controls the volume level of sound generated by the speaker for the vehicle at a predetermined constant level or higher during a two-way speech communication between the emergency report receiving center and the emergency reporting apparatus for the vehicle.

Takeuchi JP-62-067931 A2 discloses an emergency alarm broadcast receiver that has a display device that flickers at the reception of an emergency alarm broadcast. The amplifier section 3 does output a voice from a speaker 7 with a constant sound volume

independently of the position of the sound volume control volume, when an emergency broadcast is received. This disclosure of Takeuchi '931, if anything, suggests that the Takeuchi '931 system should be used at the emergency report receiving center as set forth in claim 1, since the device disclosed in Takeuchi '931 is meant to be receiving an emergency broadcast, which is precisely what the emergency reporting apparatus set forth in claim 1 does. In other words, for the rejection by the examiner to make sense, one must assume that the emergency reporting apparatus of claim 1 is sending an emergency broadcast back to its own speaker. But this is not the case since the emergency reporting apparatus of claim 1 actually sends the emergency broadcast to the emergency report receiving center, which may well be equipped with some kind of emergency broadcast receiver that, when an emergency signal is received, causes a display to flicker to warn the personnel manning the emergency report receiving center that there is an emergency and that an imminent two-speech communication is forthcoming. Thus, the claimed invention, as set forth in independent claims 1, 8, 20 and 22, would not be obvious in view of the prior art, since a person skilled in the art, but for the teachings provided by the instant application, would not have reasonably combined a device that is used at the place where the emergency broadcast is to be received with the emergency broadcast device that originated the emergency broadcast signal.

It was agreed in the interview that if Takeuchi '931 does teach the above, then it would be inapplicable as prior art reference against the above noted claims. And it further was agreed that the examiner should obtain a full translation the Takeuchi '931 reference to confirm the above discussion, or find suggestion in the reference that receiver components disclosed may be used at the place that originated the emergency alarm broadcast.

As for independent claims 9, 17 and 21 which were rejected as being obvious under Timm and Iacono U.S. patent 4,633,229, it was agreed that Iacono is not a relevant reference insofar as it discloses a siren system that uses a number of speakers arranged to have a certain configuration to effect phase cancellation. Indeed, the disclosure relied

upon by the examiner in lacono does not disclose the replacing of any malfunctioning speakers. Rather, it discloses a second embodiment (Figs. 7-9) in which the speakers are arranged differently from the first embodiment (Figs. 1-6).

It was further agreed during the interview that the combination of Timm and Japanese reference Okano JP 04-276900 does not render obvious independent claim 17, insofar as Okano '900 discloses different sets of speakers laid out along different roads or routes along which an emergency vehicle may traverse, and therefore is not relevant with respect to the subject matter of claim 17.

In view of the foregoing, applicants respectfully submit that the instant invention is patentable over the prior art. But in the event that the examiner, upon receiving the full translation of the Takeuchi '931 reference, still deems that there are matters to be reconciled with respect to claims 1, 8, 20 and 22, and the claims respectively depend therefrom, he is respectfully requested to contact the undersigned.

Respectfully submitted,



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